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NO. 82-1093

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

LUKE WILLIAM ABLE, JR. doing business as the Criminal Defense Clinic; Able Bail, Defense, and Divorce Clinic; and Able Bail and Defense Clinic,

Appellant,

v.

THE STATE OF TEXAS; JACK HEARD; C.R. GAINES; and HARRIS COUNTY,

Appellees.

APPENDIX ACCOMPANYING BRIEF IN OPPOSITION TO MOTION TO DISMISS OR AFFIRM

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Art. 2372p-3. Licensing and regulation of bail bondsmen.

Declaration of policy

Section 1. The business of executing bail bonds is delcared to be a business affecting the public interest. It is declared to be the policy of this state to provide reasonable regulation to the end that the right of bail be preserved and implemented by just and practical procedures governing the giving or making of bail bond and other security to guarantee appearance of the accused.

Defination

Sec. 2. In this Act:

(1) "Person" means an individual or corporation.

(2) "Bondsman" means any person who for hire or for any compensation deposits any cash or bonds or other securities, or executes as surety or cosurety any bond for other persons.

(3) "Bonding Business" means the occupation in which a bondsman is engaged.

(4) "Company" includes corporations and other business entities.

(5) "Bond" includes cash deposit and any similar deposit or written undertaking to assure appearance.

(6) "Board" means the County Bail Bond Board.

Licensing requirement and eligibility

Sec. 3. The provisions of this Act

apply only to the execution of bail bonds in counties having a population of more than 110,000 according to the last federal census or in counties of less than 110,000 where a board has been created. The Creation of the board is within the discretion of a majority of the officers of the county who would be members of, or who would designate members of, the board as provided under Subsection (b) of this section.

(a) In a county that has a board, no person may act as a bondsman except:

(1) persons licensed under this Act, and

(2) persons licensed to practice law in this state who meet the requirements set forth in Subsection (e) of Section 3 of this Act.

(b) No individual is eligible for a license under this Act unless the individual:

(1) is a resident of this state and

(2) is at least 18 years of age;

(3) possesses sufficient financial resources to provide indemnity against loss on such obligations as he may undertake as required by Section 6 of this Article.

(c) No person shall be eligible for a license under this Act, who after the effective date of this Act, commits an offense for which he is finally convicted, such offense being a felony or a misdemeanor involving moral turpitude.

(d) No corporation is eligible to be licensed unless:

(1) it is chartered and admitted to do business in this State; and

(2) it is qualified to write

fidelity, guaranty and surety bonds under the Texas Insurance Code, as amended.

(e) Persons licensed to practice law in this state may execute bail bonds or act as sureties for persons they actually represent in criminal cases without being licensed under this Act, but they are prohibited from engaging in the practices made the basis for revocation of license under this Act and if found by the sheriff to have violated any term of this Act, may not qualify thereafter under the exception provided in this subsection unless and until they come into compliance with those practices made the basis of revocation under this Act. Notwithstanding any other provision of this subsection, no person licensed to practice law shall be relieved of liability on a bail bond he has executed for the sole reason that he has not been employed to represent the principal on the merits of the case if he has been paid a fee for the execution of the bail bond.

Records required of licensees

Sec. 4. (a) A bondsman licensed under this Act shall maintain a record of each bond on which the bondsman appears as surety and shall maintain a separate set of records for each county in which the bondsman is licensed. The records shall include the following information for each bond executed and enforced:

(1) the style and number of the cause in which the bond is given and the

court in which it is executed;

(2) the name of the defendant released on bond;

(3) the amount of bail set in the case; and

(4) the amount and type of security held by the bondsman, together with a statement as to whether the security was taken for payment of a bail bond fee or for assurance of the principal's appearance in court and the conditions under which the security will be returned. No security shall be held for both the payment of a bail bond fee and assurance of the principal's appearance in court that is in excess of the particular risk involved.

(b) The records shall be submitted to the board or a person designated by the board for inspection prior to each renewal of the bondsman's license and shall be available for inspection on demand by the board or its authorized representative.

County Bail Bond Board

Sec. 5. (a) There is hereby created in all counties having a population of 110,000 or more, according to the last preceding federal census, a County Bail Bond Board. In counties of less than 110,000, the creation of the board is within the discretion of a majority of the officers of the county who would be of, or who would designate members of, the board as provided under Subsection (b) of this section.

(b) The County Bail Bond Board

shall be composed of the following persons:

(1) the county sheriff or his designee;

(2) a district judge of the county having jurisdiction over criminal matters designated by the presiding judge of the administrative judicial district;

(3) the county judge or a member of the commissioners court designated by the county judge;

(4) a judge of a county court or a county court at law in the county having jurisdiction over criminal matters

(5) the district attorney or his designee;

(6) a licensed bondsman, licensed in the county, elected by other county licensees; and

(7) a justice of the peace

(c) The board shall meet with within 60 days after its creation. The board shall initially elect one of its members as chairman who shall preside at all meetings to be held thereafter at the call of the chairman.

(d) Four members of the board shall constitute a quorum for the conduct of business. All action by the board shall require the vote of a majority of the members present. The board shall meet at least every 30 days.

(e) Unless clearly not required by this Act, all rules, regulations, and actions of the board passed pursuant to this Act

shall be posted at an appropriate place in the courthouse for a period of 10 days prior to their effective date.

(f) In addition to the powers and duties given to the County Bail Bond Board by this Act, the board has the following powers and duties;

(1) To exercise any powers incidental or necessary to the administration of this Act, to supervise and regulate all phases of the bonding business and enforce this Act, within the county, and to prescribe and post any rules necessary to implement this Act;

(2) To conduct hearings and investigations and make determinations respecting the issuance, refusal, suspension, or revocation of licenses to bondsmen within the provisions of this Act and to issue licenses to those applicants who qualify under the terms of this Act, to refuse licenses to those applicants who do not qualify, and to suspend or revoke the licenses of licensees who commit violations under this Act or the rules prescribed by the board under this Act;

(3) To require applicants and licensees to appear before the board, and to administer oaths, examine witnesses, and compel the production of pertinent books, accounts, records, and testimony by the licensee or applicant in its hearings;

(4) To cause records and transcripts to be made of all its proceedings;

(5) To maintain records and minutes and otherwise operate its office affairs;

(6) To employ such employees to

assist the board in its functions as necessary;

(7) To furnish and post in each court in the country having jurisdiction of criminal cases and each local official responsible for the detention of prisoners in the county with current lists of the bondsmen and their agents licensed and approved in the county and to notify immediately each court and local offical when a bondsman's license is suspended or revoked or an agent's authority is rescinded; and

(8) To file reports and furnish information on the operation of the bonding business in the county at the request of the Texas Judicial Council which shall report annually to the governor and the legislature on or before December 1 of each year on the operation of the bonding business in the state.

Application and Issuance of license

Sec. 6. (a) Any person desiring to act as a bondsman in any court of the county shall file with the County Bail Bond Board a sworn application for a license. The application shall be in such form and shall contain such information as the board may prescribe including the following:

(1) The name, age, and address of the applicant, and if the applicant is a surety corporation, and whether chartered or admitted to do business in this state and qualified to write fidelity,

guaranty, and surety bonds under the Texas Insurance Code, as amended;

(2) The name under which the business shall be conducted;

(3) The name of the place or places, including street address and city, wherein the business is to be conducted;

(4) A statement listing any non-exempt real estate owned by the applicant that the applicant intends to convey in trust to the board to secure payment of any obligations incurred by the applicant in the bonding business if the license is granted. The following shall be included for each parcel listed:

(A) a legal description equivalent to the description required to convey the property by general warranty deed;

(B) current statements from each taxing unit with power to assess or collect taxes against the property indicating that there are no outstanding tax liens against the property and indicating the net value of the property according to the current appraisal made by a member of the Society of Real Estate Advisors or a Member of Appraisal Institute, accompanied by a statement from the applicant agreeing to keep all taxes paid on the property while it remains in trust;

(C) a statement of the applicant that he will not further encumber the property after conveying it in trust to the County Bail Bond Board, without notifying and obtaining the permission of the board;

(D) an agreement to insure and keep

current the insurance on any improvements on the property against any damage or destruction while the property remains in trust, in the full amount of the value claimed for the improvements;

(E) a statement indicating whether the applicant is married and, if so, a sworn statement from the spouse agreeing to transfer to the board, as a part of the trust, any right, title or interest that the spouce may have in the property; and the spouse must execute the deeds of trust to any community property placed in the security deposit required under this section;

(5) A statement indicating the amount of cash or cash value of any certificate of deposit or cashier's checks which the applicant intends to place on deposit with the county treasurer to secure payment of any obligations incurred by the applicant in the bonding business if the license is granted;

(6) A complete, sworn financial statement;

(7) A declaration by the applicant that he will comply with this Act and the rules prescribed by the board.

(b) The application of an individual for a license under this Act shall be accompanied by letters of recommendation from three reputable persons who have known the applicant for a period of at least three years. If the applicant is a corporation, the letters shall be required for the person to be in charge of its business in the county.

Each letter shall recommend the applicant or person who will be in charge of its business as having a reputation of honesty, truthfulness, fair dealing, and competency and shall recommend that the license be granted. If the applicant or person in charge of its business has been licensed under this Act in another county, the application shall be accompanied by a letter from each appropriate board stating whether or not the applicant is in good standing in the county where he is licensed.

(c) The application shall be accompanied by a fee of $500.00 for the filing of any original application, a photograph of the applicant, and a set of fingerprints of the applicant taken by a law enforcement officer designated by the board.

(d) Prior to a hearing on the application, the board or its authorized representative shall conduct necessary inquiries to determine whether the applicant possesses the financial responsibility and meets other requirements of this Act.

(e) A hearing shall be held on the application after the board conducts the inquiries required by Subsection (d) of this section. The board may submit any questions to the applicant and the applicant's agents relevant to its ruling on the application, and the applicant is entitled to present oral and documentary evidence to the board. If, after the hearing, the board is satisfied that no grounds exist on which to refuse the application, the board shall enter an

order tentatively approving the application subject to the application being perfected by the filing of the security deposits required of licensees under this Act. If the board is not so satisfied, it shall enter an order refusing the license.

(f) Upon notice from the board that the application has been tentatively approved, the applicant shall then:

(1) deposit with the county treasurer of the county in which the license is to be issued a cashier's check, certificate of deposit, cash, or cash equivalent in the amount indicated by the applicant under Subdivision (5) of Subsection (a) of Section 6 of this Act but in no event less than $5000.00 to be held in a special fund to be called the bail security fund; or

(2) execute in trust to the board deeds to the property listed by the applicant under Subdivision (4) of Subsection (a) of Section 6 of this Act, which property shall be valued in the amount indicated on an appraisal by a member of the Society of Real Estate Advisors or a Member of Appraisal Institute of the county in which it is located, but in no event less than $10,000 valuation, the condition of the trust being that the property may be sold to satisfy any final judgment forfeitures that may be made in bonds on which the licensee is surety after such notice and upon such conditions as are required by the Code of Criminal Procedure, 1965, as amended in bond forfeiture cases; the board shall file the

deeds of trust in the records of each county in which the property is located, and the applicant shall pay the filing fees.

(3) If the licensee is a corporation, it shall furnish to the sheriff an irrevocable letter of credit as a cash equivalent to satisfy any final judgment of forfeiture that may be made on any bonds on which the corporate licensee is surety.

(g) No bondsman may execute, in any county, bail bonds that in the aggregate exceed 10 times the value of the property held as security on deposit or in trust under Subsection (f) of this section. A county officer or employee designated by the board shall maintain a current total of the bondsman's potential liability on bonds in force, and no further bonds may be written by or accepted from the bondsman when the limit is reached. When a bondsman's total liability on judgments nisi reaches two times the same amount as he has on deposit as security, no further bonds may be written until the bondsman posts additional security as required by this subsection. A bondsman whose license is effective may, at any time, by posting additional security, increase the bondsman's limit.

(h) The cash deposit or the funds realized from the trust shall be used to pay the final judgments of any bail forfeitures that result from the licensee's execution of a bail bond, if the licensee fails to satisfy the judgment within 30 days after a final

judgment of forfeiture. When any sums are depleted from the deposit or trust to pay a judgment resulting from a forfeited bond, the licensee shall, as a condition to continuing as a licensee, replenish the amount so depleted up to the amount of the required minimun deposit to secure other bonds in force. When the licensee ceases to engage in the business of executing bail bonds and ceases to maintain his license, he may withdraw his security deposit or trust upon presentment of a release by the board, if there are no judgment or bond liabilities, either actual or potential, outstanding against the license. Any portion of the deposit or trust not used to pay judgments or to secure unexpired obligations on existing bonds in force shall be returned to the licensee or his heirs or assigns upon presentment of a release by the board.

Corporation as surety

Sec. 7. (a) Wherever in this Act any person is required or authorized to give or execute any bail bond, such bail bond may be given or executed by such principal and any corporation authorized by law to act as surety. When any such corporation authorized by law to act as a surety undertakes to be a surety on a bail bond, such corporation, before being acceptable as a surety on a bail bond, shall be required to meet the applicable requirements prescribed by Section 6 of this Act before being acceptable as a personal surety on a bail bond; Subsection (g) of Section 6 does not apply to a corporate surety.

(b) The certificate of authority to do business in this state issued to a corporation by the State Board of Insurance pursuant to Article 8.20, Insurance

Code, as amended, shall be conclusive evidence as to the sufficiency of the security, the corporation's solvency, or its credits.

(c) Any corporation which acts as a surety shall, before executing any bail bond, first file in the office of the county clerk of the county where such bail bond is given a power of attorney designating and authorizing the named agent of such corporation to execute such bail bonds by such agent. This power of attorney shall be a valid and binding obligation of the corporation. A separate license is required for each agent operating under a corporate power of attorney.

(d) Notwithstanding any statutory requirements to the contrary, any agent so designated and licensed or approved hereunder for the purpose of writing bail bonds shall not be required to be licensed as a local recording agent as defined in Article 2.14, Texas Insurance Code, as amended, for the purpose of this Act.

(e) It shall be the duty of the board to notify promptly the State Board of Insurance of default by a corporation on any financial obligation which it undertakes in the county.

Expiration and renewal of license

Sec. 8. (a) A license issued under this Act expires 24 months after the date of its issuance and may not be renewed unless an application for renewal is filed with the board at least 30 days

before expiration. The application for renewal shall have the same form and content as an application for an original license under this Act. The application for renewal shall be accompanied by a renewal fee of $500.00. If the applicant's current license has not been suspended or revoked, if the renewal application complies with the requirements of this Act, and if the board knows no legal reason why the application should not be renewed, the license may then be renewed for a period of 24 months from the date of expiration and may be renewed subsequently each 24 months in like manner.

(b) All fees collected by the board shall be deposited in the general fund of the county for use in the administration of this Act. The board is authorized to receive disbursements from the general fund for reasonable expenses incurred in the enforcement of this Act, but service on the board is considered an additional duty of office, and the members of the board are not entitled to compensation for the service but only to reimbursement of any expenses actually incurred as a result of the service.

(c) Each license, when issued, shall show on its face the date of expiration and license number, and it shall be the responsibility of the licensee to file for renewal under the terms of this Act, and each subsequent renewal license shall have the same number as assigned to the original license.

Refusal, suspension, and revocation of licenses

Sec. 9. (a) No license may be issued to any person who has not complied with the requirements of this Act for applying for an original or renewal license.

(b) The board may, on its own motion, and shall, on receipt of a sworn complaint providing reasonable cause to believe that a violation of this Act has occurred or on the request of a court, investigate the actions and records relating to such complaint against any bondsman it has licensed. The board may, after notice and hearing, suspend or revoke a license for:

(1) violation of a provision of this Act or a rule prescribed by the board during the term of the license sought to be suspended or revoked or during any prior licensing period;

(2) fraudulently obtaining a license under the provisions of this Act, making a false statement or misrepresentation in an application for an original or renewal license or in any hearing before the board, or refusing to answer any question submitted by the board in a hearing relevant to the license or the conduct or qualifications of the licensee or applicant;

(3) final conviction under the laws of this or any other state or the United States of a misdemeanor involving moral turpitude or a felony committed after the effective date of this Act;

(4) being adjudged bankrupt or

becomming insolvent;

(5) being adjudged mentally incompentent;

(6) failing to pay within 30 days any final judgment rendered on any forfeited bond in any court of competent jurisdiction within the county of the licensee;

(7) paying of commissions or fees or dividing commissions or fees or offering to pay or divide commissions or fees with any person, company, firm, or corporation not licensed under this Act to execute bonds;

(8) soliciting bail bond business in any building where prisoners are processed or confined;

(9) recommending to any client the employment of a particular attorney or firm of attorneys in a criminal case;

(10) falsifying any record required to be maintained under this Act, failing to keep the records, or failing promptly to permit the inspection of the records at any time requested by the board or its representatives or agents;

(11) operating as a bondsman while the license is suspended or after it has expired and before it is renewed; and

(12) on more than one occasion failing to maintain the minimum amount of security required by this Act or misrepresenting to any offical or employee of the offical the limit supported by the amount of security to obtain the release of any person on bond.

Procedure for suspension or revocation of license

Sec. 10. (a) The board may revoke or suspend a license in accordance with the procedure provided in this section for the violation of any provision of this Act.

(b) Notice of a hearing to suspend or revoke shall be given by certified mail addressed to the last known address of the licensee at least 10 days prior to a date set for the hearing.

(c) The notice shall specify the charges of violation of this Act made against the licensee, and no other charges shall be made at the hearing pursuant to the notice.

(d) The hearing shall afford the licensee opportunity to be heard, to present witnesses in his behalf, and to question witnesses against him.

(e) A record of the hearing shall be made. It shall be made available to the licensee on his request subject to his paying reasonable costs of transcription..

(f) If the licensee fails to maintain the security deposit at the proper ratio required by this Act, under Subsection (g) of Section 6 of this Act, the board shall immediately suspend the license while the violation continues. No prior notice or hearing is necessary. Once the proper ratio is regained, the suspension shall be immediately lifted. The board shall revoke the license without prior notice or hearing if the

licensee fails to pay any final judgment connected with the licensee's bonding business within 30 days and there is not sufficient property held as security to satisfy the final judgment.

Court review

Sec. 11. An appeal may be taken from any board's order revoking, suspending, or refusing to issue license. The appeal must made within 30 days after written notice of the suspension, revocation, or refusal by filing a petition in a district court in the county in which the license is issued or refused. If no appeal is taken within 30 days after written notice of suspension, revocation, or refusal, such action shall become final. An appeal shall be by trial de novo, as in proceedings appealed from justice to county court. The decision of the board shall have full force and effect pending the determination of the appeal. All appeals taken from action of the board shall be against the board and not against the members individually.

Surrender of principal

Sec. 12. (a) No peron who executes a bail bond as a surety for a principal may surrender the principal without the written permission of the judge having jurisdiction of the case after the person who executed the bail bond has executed an affidavit to be filed with the clerk of the court stating;

(1) the date the bond was made;
(2) the fee paid for the bond; and
(3) the reason for the surrender..

(b) If the reason for surrender is deemed without reasonable cause by the principal, any agent of the board, or any attorney representing the state or any accused in the proceeding, that person may bring the matter to the attention of the court.

(c) If the court determines that the person who surrendered the principal did so without reasonable cause, the court in its discretion may require that all or a part of the fees paid as a condition for making the bail bond shall be returned to the principal. In making the determination the court shall determine what fees, whether denominated fees for the making of the bond or not, were in fact paid for the purpose of inducing the surety to make the bond.

(d) Notwithstanding any statute required to the contrary of any provision in the bond, the court may not require or commit the surety to remain during any appeal of the case without previous approval of the surety. When a case is appealed without approval of the surety, the bail shall be discharged. Nothing shall deny the principal any right to an appeal bond as provided in the Code of Criminal Procedure, 1965, as amended.

Remittitur of forfeited bonds

Sec. 13. (a) Prior to final judgment on any forfeiture in a criminal case the attorney for the state may recommend to the court settlement for an

amount less than that stated in the bond, or the court may upon its own motion approve such settlement.

(b) After a forfeiture, if the defendant is incarcerated within two years of a judgment nisi, the bondsman shall be entitled to a remittitur of at least 95 percent if he presents a sworn affidavit stating that the defendant was returned to custody, in part, as a result of money spent or information furnished by the bondsman.

The remittitur shall be credited against an unpaid judgment of forfeiture or if the judgment has been paid, the treasurer shall refund at least 95 percent.

(c) The surety on appearance bonds in criminal cases shall be absolved of all liability upon disposition of the case, and disposition as used herein shall mean a dismissal, acquittal, or finding of guilty on the charges made the basis of the bond.

Approval of bond

Sec. 14 (a) In any county or district case in which the posting of bond is required as a condition of release, the sheriff shall accept or approve a bond posted by a licensed bondsman only in accordance with this Act and the rules prescribed by the board, but a sheriff may not refuse to accept a bail bond from a licensed bondsman who meets the requirements of Subdivision (4) or (5) of Subsection (a) of Section 6 of this Act.

Effect of default by corporation

Sec. 14A. (a) Notwithstanding any law to the contrary, a corporation that is in default on five or more bail bonds in a county may not act as a bail bondsman in that county.

(b) The clerk of the court in which the corporation is in default on a bail bond shall deliver a written notice of the default to the sheriff, chief of police, or other appropriate peace officer in the county in which the bond is forfeited.

(c) A corporation is considered in default on a bail bond from the time the trial court enters its final judgment on the scire facias until the judgment is satisfied or set aside.

(d) For purposes of this section, a corporation is not considered in default on a bond if it deposits with the appropriate court cash in the full amount of the judgment, pending appeal. The deposit shall be applied to the payment of any final judgment in the case.

Acts subject to penalty

Sec. 15. (a) No person required to be licensed under this Act may execute a bail bond without a license.

(b) No bondsman or agent of a bondsman may, by any means, recommend or suggest to any person whose bail bond has been posted the name of any particular attorney or firm of attorneys for employment in connection with a criminal offense.

(c) No person in the bonding business shall, either directly or indirectly, give, donate, lend, contribute, or promise to give, donate, lend, or contribute any money or property to any attorney, police officer, sheriff, or deputy, constable, jailer, or employee of a law enforcement agency for the referral of bail bond business.

(e) No police officer, sheriff, or deputy, constable, jailer, or public offical, or employee of a related agency may recommend to any person or persons, family of such person or persons, friends, relatives, or employer the name of any particular bondsman. In all places where prisoners are examined, processed, or confined, a list of licensed bondsmen of that county may be displayed.

(f) No bondsman or agent of a bondsman may solicit business in a police station, jail, prison, detention facility, or other place where persons in the custody of law enforcement officals are detained.

(g) No person may advertise as a bondsman who does not hold a valid license under this Act.

(h) No bondsman or agent of a bondsman may receive money or other consideration or thing of value for issuance of a bond or undertaking of a surety obligation without issuing a receipt indicating the name of the person paying the money or transferring the property, the amount received or the estimated value of the property received

and briefly identifying it, the suit, action, or matter for which it is received or is to be applied, and the name of the person receiving it. The bondsman or agent shall retain a duplicate copy of the receipt which shall be available for inspection by representatives of the board of any county in which the bondsman is licensed or by the appointed represnetatives of a court in which the bondsman agrees to make bail or undertake other surety obligations.

(i) No person shall falsify any records required to be kept by this Act.

(j) A person who violates Subsection (a) or (g) of this section shall be guilty of a Class C misdemeanor.

(k) A person who violates Subsection (b), (e), (f), (h), or (i) of this section shall be guilty of a Class B misdemeanor.

(l) A person who violates Subsection (c) or (d) of this section shall be guilty of a Class A misdemeanor.

Acts 1973, 63rd Leg.,p. 1520, ch. 550, eff. Aug 27, 1973. Secs. 3(c), 5(a) and 12(b) amended by Acts 1975, 64th Leg., p. 1194, ch. 451, §§ 1 to 3, eff. June 19, 1975; Acts 1979, 66th Leg., p. 202, ch. 111, §§ 1 to 3, eff. Aug 27, 1979. Amended by Acts 1981, 67th Leg., p. 875, ch. 312, § 1, eff. Aug. 31, 1981.

SEE THE NEXT PAGE FOR CLASS A, B, & C MISDEMEANOR PUNISHMENTS

Texas Penal Code.

SUBCHAPTER B. ORDINARY MISDEMEANOR PUNISHMENTS

§ 12.21. Class A Misdemeanor

An individual adjudged guilty of a Class A misdemeanor shall be punished by:

(1) a fine not to exceed $2,000;

(2) confinement in jail for a term not to exceed one year; or

(3) both such fine and imprisonment.

[Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974.]

§ 12.22. Class B Misdemeanor

An individual adjudged guilty of a Class B misdemeanor shall be punished by:

(1) a fine not to exceed $1,000;

(2) confinement in jail for a term not to exceed 180 days; or

(3) both such fine and imprisonment.

[Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974.]

§ 12.23. Class C Misdemeanor

An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed $200.

[Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974.]

[Sections 12.24 to 12.30 reserved for expansion]